



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,749	12/14/2000	Gary Strawn	CISCP186	2098
22434	7590	09/21/2006	EXAMINER	
BEYER WEAVER & THOMAS, LLP			PHILLIPS, HASSAN A	
P.O. BOX 70250			ART UNIT	PAPER NUMBER
OAKLAND, CA 94612-0250			2151	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,749

Applicant(s)

STRAWN, GARY

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 97-154 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 97-154 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to communications filed June 30, 2006.

Claim Objections

2. Claims 101, 102, 115, 117, 120, 121, 130, 138, 139, and 150, are objected to because of the following informalities: Claims 101, 102, 120, 121, 138, 139, and 150 have numbers (i.e. 1 and 2) at the start of the claim language which do not appear to be part of the claim language. In claims 115 and 117, examiner feels applicant needs to change "verify" to "verifying" in the 5th to last line of the claim. In claim 130, examiner feels applicant needs to change "verify" to "verifying" in 2nd to last line of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. After consideration of the amendments made to the claims, (i.e. the cancellation of claims 69, 74, and 75, and reciting "a computer usable storage medium" in new claim 134), examiner has withdrawn the rejection of claims 69, 74, and 75 under 35 U.S.C. 101.

Response to Arguments

4. Applicant's arguments filed June 30, 2006 with respect to claim 97, have been fully considered but they are not persuasive. Applicant argued that Welter nor AAPA teach or suggest the combination of features in claim 97.

5. As indicated in a telephonic communication between the examiner and applicant's representative on June 28, 2006, claim 97 is parallel to previous claims and therefore fails to overcome the teachings of the prior art for reasons indicated in previous actions. More specifically, as indicated in previous actions Welter discloses a method for performing format verification of data received from a selected network device, the method comprising: identifying a first server (14) for analysis, (col. 7, line 66-col. 8, line 1); receiving data from the first server, said data including content information, (col. 8, lines 1-6); performing format verification on a first portion of said content information by verifying correct formatting of the first portion of content information using predetermined format verification rules, (col. 8, lines 1-6); and determining whether any inconsistencies are detected in the at least one format of said first portion of content information, (col. 8, lines 1-6). Furthermore, although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: determining the health of a server in a server farm from the detected inconsistencies. Nevertheless, determining the health of servers in server farms from detected inconsistencies was well known in the art at the time of the present invention. Applicant admits in the disclosure that it was well known to receive data from a server in a server farm, (page 3, lines 17-26, page 4, line 29-page 5, line 5); and, determine the health status of the server based upon the data received from the server, (page 3, lines 17-26). Thus examiner maintains that if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to

disclose determining the health of a server in a server farm from the detected inconsistencies. This would have advantageously allowed for verifying the server in a server farm, on which the web site was running, was operating properly, AAPA, page 3, lines 17-26.

6. Furthermore, with respect to applicant's remarks that it was agreed that the Welter reference does not explicitly teach the feature of using or creating at least one regular expression for performing format verification on a first portion of said content information by verifying correct formatting of the first portion of content information using predetermined format verification rules, in view of newly cited art Theimer et al. (hereinafter Theimer), U.S. Patent 5,611,050, examiner further maintains using or creating at least one regular expression for performing format verification on a first portion of said content information by verifying correct formatting of the first portion of content information using predetermined format verification rules is implicit in the teachings of Welter. Theimer discloses it was well known in the art at time of the present invention to use regular expressions to perform pattern matching, (col. 16, lines 58-62) . Examiner has found no evidence in applicant's claimed invention that shows using or creating at least one regular expression for performing format verification on a first portion of said content information by verifying correct formatting of the first portion of content information using predetermined format verification rules is any different than using or creating at least one regular expression for performing pattern matching on a first portion of said content information by verifying correct pattern matching of the first

Art Unit: 2151

portion of content information using predetermined pattern matching rules as implied by Welter, (col. 8, lines 1-8).

7. Applicant's arguments with respect to claims 98-104, 106, 107, 153, and 154, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 97, 108-116, 127-134, 145-147, are rejected under 35 U.S.C. 103(a) as being unpatentable over Welter et al. (hereinafter Welter) U.S. Patent 6,138,157, in view of Applicant's Admitted Prior Art (AAPA).

10. In considering claims 97, 115, 134, and 147, Welter discloses a method, system, and computer program product comprising a computer usable storage medium, for determining the health status of a website of a selected server (14), comprising: implementing a first thread of said method for determining the health status of the website of the server, said first thread comprising: identifying the first server for analysis, (col. 7, line 66-col. 8, line 1); receiving data from the first server, said data

including content information, (col. 8, lines 1-6); performing format verification on a first portion of said content information by verifying correct formatting of the first portion of content information using predetermined format verification rules, (col. 8, lines 1-6); and determining the health status of the website of the server based upon results of said format verification, (col. 8, lines 1-6, also see abstract).

Although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: determining the health of a server in a server farm based on the data received from the server.

Nevertheless, determining the health of servers in server farms from data received from the servers was well known in the art at the time of the present invention. Applicant admits in the disclosure that it was well known to receive data from a server in a server farm, (page 3, lines 17-26, page 4, line 29-page 5, line 5); and, determine the health status of the server based upon the data received from the server, (page 3, lines 17-26).

Thus, if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to disclose determining the health of a server in a server farm based on the data received from the server. This would have advantageously provided a well known means for also verifying the server in a server farm, on which the web site was running, was operating properly, AAPA, page 3, lines 17-26.

11. In considering claims 108 and 127, see Welter, col. 7, line 66-col. 8, line 6.

12. In considering claims 109 and 128, see Welter, col. 7, line 66-col. 8, line 6, and col. 2, lines 22-32.

13. In considering claims 110 and 129, see Welter, col. 8, lines 1-8.

14. In considering claims 111, 130, and 145, see Welter, col. 8, lines 1-6.

15. In considering claims 112, 116, 131, and 146, see AAPA, page 3, lines 6-26. One of ordinary skill in the art would modify the teachings of Welter with AAPA for the same reasons indicated in claim 97.

16. In considering claims 113 and 132, see Welter, col. 3, lines 9-16.

17. In considering claims 114 and 133, see Welter, col. 3, lines 9-16.

18. Claims 98, 117, 135, 148, are rejected under 35 U.S.C. 103(a) as being unpatentable over Welter, in view of AAPA, and further in view of Scarlat et al. (hereinafter Scarlat) U.S. Patent 6,477,483

19. In considering claims 98, 117, 135, and 148, although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose:

implementing, concurrently with the implementation of the first thread, a second thread of said method for determining the health status of a second server of the server farm.

Nevertheless, in an analogous art, Scarlet discloses implementing, concurrently with the implementation of a first thread, a second thread of a method for determining a health status of a second server of a server farm, (col. 2, line 65-col. 3, line 8).

Thus, if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to disclose implementing, concurrently with the implementation of the first thread, a second thread of a method for determining a health status of a second server of the server farm. This would have advantageously provided an efficient means for determining the health status of multiple servers, (Scarlat, col. 2, line 65-col. 3, line 8).

20. Claims 99-102, 118-121, 136-139, 149, 150, are rejected under 35 U.S.C. 103(a) as being unpatentable over Welter, in view of AAPA, and further in view of Tiemann et al. (hereinafter Tiemann) U.S. Patent Pub. No. 2002/0188631.

21. In considering claims 99, 118, and 136, although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: identifying timestamp information in the first portion of content, and verifying correct formatting of the timestamp information using a first regular expression corresponding to: `([1-9])1[0-2]:[0-5][0-9]`.

Nevertheless, Welter does teach receiving HTML data, (col.8, lines 1-8), and it was well known in the art at the time of the present invention for HTML data to include timestamp information. This is evidenced in the teachings of Tiemann, where Tiemann discloses HTML data including timestamp information, (par. [0021]). Furthermore the regular expression corresponding to: `([1-9]1[0-2]):[0-5][0-9]` is merely a regular expression for any value of time such as the 2:14 indicated in the example of a timestamp by Tiemann.

Thus, if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to disclose identifying timestamp information in the first portion of content, and verifying correct formatting of the timestamp information using a first regular expression corresponding to: `([1-9]1[0-2]):[0-5][0-9]`. This would have advantageously utilized the timestamp information for analyzing received HTML for expected content and errors, (Welter, col. 8, lines 1-8).

22. In considering claims 100, 119, 137, and 149, although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: said format verification includes: identifying timestamp information in the first portion of content, wherein the timestamp information includes an hours portion of a time value and a minutes portion of the time value, determining whether the hours portion of the time value is an integer within a range from 1 to 12, inclusive, determining whether the minutes portion of the time value is an integer within a range from 0 to 59,

inclusive, and determining whether the timestamp information includes a colon character interposed between the hours portion and minutes portion of the time value.

Nevertheless, Welter does teach receiving HTML data, (col.8, lines 1-8), and it was well known in the art at the time of the present invention for HTML data to include timestamp information. This is evidenced in the teachings of Tiemann, where Tiemann discloses HTML data including timestamp information, (par. [0021]). Furthermore the timestamp information including an hours portion of a time value and a minutes portion of the time value, the hours portion of the time value being an integer within a range from 1 to 12, inclusive, the minutes portion of the time value being an integer within a range from 0 to 59, inclusive, and the timestamp information including a colon character interposed between the hours portion and minutes portion of the time value, is merely a standard format for time such as the 2:14 indicated in the example of a timestamp by Tiemann.

Thus, if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to disclose said format verification includes: identifying timestamp information in the first portion of content, wherein the timestamp information includes an hours portion of a time value and a minutes portion of the time value, determining whether the hours portion of the time value is an integer within a range from 1 to 12, inclusive, determining whether the minutes portion of the time value is an integer within a range from 0 to 59, inclusive, and determining whether the timestamp information includes a colon character interposed between the hours portion and minutes portion of the time value. This would have

advantageously utilized the timestamp information for analyzing received HTML for expected content and errors, (Welter, col. 8, lines 1-8).

23. In considering claims 101, 120, and 138, although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: said format verification includes: identifying timestamp information in the first portion of content, and verifying correct formatting of the timestamp information using a first regular expression corresponding to: (A|P)M.

Nevertheless, Welter does teach receiving HTML data, (col. 8, lines 1-8), and it was well known in the art at the time of the present invention for HTML data to include timestamp information. This is evidenced in the teachings of Tiemann, where Tiemann discloses HTML data including timestamp information, (par. [0021]). Furthermore the regular expression corresponding to: (A|P)M is merely a regular expression for indicating whether time is AM or PM such as the PM indicated in the example of a timestamp by Tiemann.

Thus, if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to disclose said format verification includes: identifying timestamp information in the first portion of content, and verifying correct formatting of the timestamp information using a first regular expression corresponding to: (A|P)M. This would have advantageously utilized the timestamp information for analyzing received HTML for expected content and errors, (Welter, col. 8, lines 1-8).

24. In considering claims 102, 121, 139, and 150, although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: said format verification includes: identifying timestamp information in the first portion of content, and determining whether the timestamp information includes a time data string followed by the characters "AM" or "PM".

Nevertheless, Welter does teach receiving HTML data, (col.8, lines 1-8), and it was well known in the art at the time of the present invention for HTML data to include timestamp information. This is evidenced in the teachings of Tiemann, where Tiemann discloses HTML data including timestamp information, (par. [0021]). Furthermore a time data string followed by the characters "AM" or "PM" is merely a standard format for time such as the PM following the 2:14.25 string indicated in the example of a timestamp by Tiemann.

Thus, if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to disclose said format verification includes: identifying timestamp information in the first portion of content, and determining whether the timestamp information includes a time data string followed by the characters "AM" or "PM". This would have advantageously utilized the timestamp information for analyzing received HTML for expected content and errors, (Welter, col. 8, lines 1-8).

Art Unit: 2151

25. Claims 103-107, 122-126, 140-144, 151, 152, are rejected under 35 U.S.C. 103(a) as being unpatentable over Welter, in view of AAPA, and further in view of Slivka et al. (hereinafter Slivka) U.S. Patent 6,061,695.

26. In considering claims 103, 122, and 140, although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: said format verification includes: identifying a ticker symbol in the first portion of content, and verifying correct formatting of the ticker symbol using a first regular expression corresponding to: $([A-Z]\{1,4\})(A-Z)\{4\}X$.

Nevertheless, Welter does teach receiving HTML data, (col.8, lines 1-8), and it was well known in the art at the time of the present invention for HTML data to include ticker symbols. This is evidenced in the teachings of Slivka, where Slivka discloses HTML data including a ticker symbol (152), (col. 19, lines 1-18). Furthermore the regular expression corresponding to: $([A-Z]\{1,4\})(A-Z)\{4\}X$ is merely a regular expression for symbol between 1-4 characters (such as "Town" indicated in Fig 6, of Slivka), or a symbol is 5 characters with the 5th character being an X.

Thus, if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to disclose said format verification includes: identifying a ticker symbol in the first portion of content, and verifying correct formatting of the ticker symbol using a first regular expression corresponding to: $([A-Z]\{1,4\})(A-Z)\{4\}X$. This would have advantageously utilized the

ticker symbol for analyzing received HTML for expected content and errors, (Welter, col. 8, lines 1-8).

27. In considering claims 104, 123, 141, and 151, although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: said format verification includes: identifying a ticker symbol in the first portion of content, and determining whether a length of the ticker symbol is between 1-4 characters inclusive.

Nevertheless, Welter does teach receiving HTML data, (col.8, lines 1-8), and it was well known in the art at the time of the present invention for HTML data to include ticker symbols. This is evidenced in the teachings of Slivka, where Slivka discloses HTML data including a ticker symbol (152), (col. 19, lines 1-18). Furthermore a length of the ticker symbol is between 1-4 characters inclusive is merely a regular expression for symbol between 1-4 characters (such as "Town" indicated in Fig 6, of Slivka).

Thus, if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to disclose said format verification includes: identifying a ticker symbol in the first portion of content, and determining whether a length of the ticker symbol is between 1-4 characters inclusive. This would have advantageously utilized the ticker symbol for analyzing received HTML for expected content and errors, (Welter, col. 8, lines 1-8).

28. In considering claims 105, 124, 142, and 152, although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: said format verification includes: identifying a ticker symbol in the first portion of content, and determining whether a length of the ticker symbol is five characters with the last character being an "X".

Nevertheless, Welter does teach receiving HTML data, (col.8, lines 1-8), and it was well known in the art at the time of the present invention for HTML data to include ticker symbols. This is evidenced in the teachings of Slivka, where Slivka discloses HTML data including a ticker symbol (152), (col. 19, lines 1-18).

Thus, if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to disclose said format verification includes: identifying a ticker symbol in the first portion of content, and determining whether a length of the ticker symbol is five characters with the last character being an "X". This would have advantageously utilized the ticker symbol for analyzing received HTML for expected content and errors, (Welter, col. 8, lines 1-8).

29. In considering claims 106, 125, and 143, although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: said format verification includes: identifying currency information in the first portion of content, wherein the currency information includes a monetary value, and verifying correct formatting of the monetary value using a first regular expression corresponding to: `$(0|[1-9][0-9]*).[0-9]{2}`.

Nevertheless, Welter does teach receiving HTML data, (col.8, lines 1-8), and it was well known in the art at the time of the present invention for HTML data to include monetary values. This is evidenced in the teachings of Slivka, where Slivka discloses HTML data including stock quotes, (col. 19, lines 1-18).

Thus, if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to disclose said format verification includes: identifying currency information in the first portion of content, wherein the currency information includes a monetary value, and verifying correct formatting of the monetary value using a first regular expression corresponding to: $(\$([0-9][0-9]^*).[0-9]{2})$. This would have advantageously utilized monetary values for analyzing received HTML for expected content and errors, (Welter, col. 8, lines 1-8).

30. In considering claims 107, 126, and 144, although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: said format verification includes: identifying currency information in the first portion of content, wherein the currency information includes a monetary value, and determining whether the monetary value includes a dollar sign followed by a numerical value greater than or equal to zero, followed by a decimal point, followed by two numeric digits.

Nevertheless, Welter does teach receiving HTML data, (col.8, lines 1-8), and it was well known in the art at the time of the present invention for HTML data to include monetary values. This is evidenced in the teachings of Slivka, where Slivka discloses HTML data including stock quotes, (col. 19, lines 1-18).

Thus, if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to disclose said format verification includes: identifying currency information in the first portion of content, wherein the currency information includes a monetary value, and determining whether the monetary value includes a dollar sign followed by a numerical value greater than or equal to zero, followed by a decimal point, followed by two numeric digits. This would have advantageously utilized monetary values for analyzing received HTML for expected content and errors, (Welter, col. 8, lines 1-8).

31. Claims 153, 154 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welter, in view of Theimer, and further in view of AAPA.

32. In considering claims 153 and 154, Welter discloses a method and system for determining the health status of a website of a selected server (14), comprising: identifying a first server for analysis, (col. 7, line 66-col. 8, line 1); receiving data from the first server, said data including content information, (col. 8, lines 1-6); performing format verification on a first portion of said content information by verifying correct formatting of the first portion of content information using predetermined format verification rules, (col. 8, lines 1-6); and determining the health status of the website of the server based upon results of said format verification, (col. 8, lines 1-6, also see abstract).

Although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: using or creating at least one regular expression in performing format verification on a first portion of said content information by verifying correct formatting of the first portion of content information using predetermined format verification rules.

Nevertheless, using or creating at least one regular expression for performing format verification on a first portion of said content information by verifying correct formatting of the first portion of content information using predetermined format verification rules is implicit in the teachings of Welter. This is evidenced by the teachings of Theimer. More specifically, Theimer discloses it was well known in the art at time of the present invention to use regular expressions to perform pattern matching, (col. 16, lines 58-62) .

Thus, using or creating at least one regular expression in performing format verification on a first portion of said content information by verifying correct formatting of the first portion of content information using predetermined format verification rules is implicit in the teachings of Welter, since as evidenced by Theimer, Welter discloses, using or creating at least one regular expression for performing pattern matching on a first portion of said content information by verifying correct pattern matching of the first portion of content information using predetermined pattern matching rules, (Welter, col. 8, lines 1-8).

Art Unit: 2151

Although the teachings of Welter disclose substantial features of the claimed invention, they fail to expressly disclose: determining the health of a server in a server farm based on the data received from the server.

Nevertheless, determining the health of servers in server farms from data received from the servers was well known in the art at the time of the present invention. Applicant admits in the disclosure that it was well known to receive data from a server in a server farm, (page 3, lines 17-26, page 4, line 29-page 5, line 5); and, determine the health status of the server based upon the data received from the server, (page 3, lines 17-26).

Thus, if not implicit in the teachings of Welter, it would have been obvious to one of ordinary skill in the art to modify the teachings of Welter to disclose determining the health of a server in a server farm based on the data received from the server. This would have advantageously provided a well known means for also verifying the server in a server farm, on which the web site was running, was operating properly, AAPA, page 3, lines 17-26.

Conclusion


33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is 571-272-3940. The examiner can normally be reached on Mon-Fri (8am-5pm).

Art Unit: 2151

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HP/
9/16/06



KRISNA LIM
PRIMARY EXAMINER